

AGREEMENT

Made this 20<sup>th</sup> day of July 2001, by and between Gandel's Liquor, Inc., t/a Gandel's Liquor, (the Applicant), and Advisory Neighborhood Commission 6B, (the ANC).

WITNESSETH

WHEREAS, Applicant's application for a Retailers' Class "A" license for premises, 211 Pennsylvania Ave. SE, ABC Case No. 136-01/062P, is now pending before the District of Columbia Alcoholic Beverage Control Board (ABC Board); and,

WHEREAS, the premises is within the boundaries of the ANC; and,

WHEREAS, the parties desire to enter into an agreement governing certain understandings regarding the issue of a Retailers' Class "A" Liquor License at the subject premises; and,

WHEREAS, the parties agree that the sale of single containers of beer, of 40 ounces or less, is associated with alcoholism, the illegal public consumption of alcohol, which, in turn, is associated with violence and other harmful and offensive behavior, including aggressive panhandling, and with the accumulation of destructive and publicly costly trash and litter; and,

WHEREAS, the ability of the District of Columbia government to provide essential public services is compromised by the failure of businesses and individuals to pay their financial obligations to the government in a full and timely manner; and,

WHEREAS, the strict enforcement of health, safety, and security regulations enhances compliance with such regulations, and, in turn, preserves and enhances the peace, order, and quiet of communities within the District of Columbia; and,

WHEREAS, the Applicant hereby certifies that it does not owe more than \$100 to the District of Columbia government as the result of any fine, fee, penalty interest or past due tax;

WHEREAS, Applicant declares that ending the sale of all single containers of beer of 40 or fewer ounces (which Applicant declares make up approximately \_\_\_\_% of the Applicant's sales of alcoholic beverages) will result in financial hardship and will severely limit the successful operation of the Applicant's business;

NOW, THEREFORE, the parties agree as follows:

1. Applicant will not offer for sale single containers of beer (for consumption off the store's premises) of 40 ounces or more. Applicant will only sell containers of less than 40 ounces with a sandwich or equivalent food sale.
2. Applicant will prohibit and prevent loitering and panhandling within 100 feet of the establishment.
3. Applicant will maintain the public space adjacent to the establishment in a clean and litter-free condition by:
  - a. picking up trash, including beverage bottles and cans, on a daily basis.
  - b. sweeping the outside of the establishment on a daily basis.
4. Applicant will participate in an ABC Board-approved course in alcoholic beverage sales management.
5. Applicant agrees to sell single containers of beer of 40 or fewer ounces ("singles") only in clear or translucent plastic bags.
6. In consideration of, and reliance upon, the commitments reflected in paragraph 1-5, the ANC hereby withdraws its opposition to the applicant's pending license application.
7. The parties further agree that any failure of Applicant to adhere to the foregoing commitment would constitute grounds for the ANC to petition the ABC Board for issuance of an order to show cause pursuant to 23 D.C.M.R. 1513.5.

IN WITNESS WHEREOF, the parties have affixed hereto their hands and seals.

APPLICANT:

ANC 6B:

By Chang Hyun Cho

CHANG HYUN CHO  
Print Name

By: Kenan Patrick Jarboe

Kenan Patrick Jarboe  
Chair, ANC 6B

Present  
Title

136

AUG 26 9 42 AM '97  
AUG 26 9 42 AM '97  
RECEIVED  
ALCOHOLIC BEVERAGE  
BOARD  
CONTROL

AGREEMENT

MADE this 25th day of ~~July~~ <sup>AUGUST</sup> 1997, by and between Gandel's Liquor, Inc., t/a Gandel's Liquors, (the Applicant), and Advisory Neighborhood Commission 6B, (the ANC).

WITNESSETH

WHEREAS, Applicant's application for a Retailers' Class "A" license for premises, 211-213 Pennsylvania Ave SE, ABC Application #136, is now pending before the District of Columbia Alcoholic Beverage Control Board (ABC Board); and,

WHEREAS, the premises is within the boundaries of the ANC; and,

WHEREAS, the parties desire to enter into an agreement governing certain understandings regarding the issue of a Retailers' Class "A" Liquor License at the subject premises; and,

WHEREAS, the parties agree that the sale of single containers of beer, of 40 ounces or less, is associated with alcoholism, the illegal public consumption of alcohol, which, in turn, is associated with violence and other harmful and offensive behavior, including aggressive panhandling, and with the accumulation of destructive and publicly costly trash and litter; and,

WHEREAS, the ability of the District of Columbia government to provide essential public services is compromised by the failure of businesses and individuals to pay their financial obligations to the government in a full and timely manner; and,

WHEREAS, the strict enforcement of health, safety, and security regulations enhances compliance with such regulations, and, in turn, preserves and enhances the peace, order, and quiet of communities within the District of Columbia; and,

WHEREAS, the Applicant hereby certifies that it does not owe more than \$100 to the District of Columbia government as the result of any fine, fee, penalty interest or past due tax;

WHEREAS, Applicant declares that ending the sale of all single containers of beer of 40 or fewer ounces (which Applicant declares make up approximately \_\_\_\_% of the Applicant's sales of alcoholic beverages) will result in financial hardship and will severely limit the successful operation of the Applicant's business;

NOW, THEREFORE, the parties agree as follows:

1. Applicant will not offer for sale single containers of beer (for consumption off the store's premises) of <sup>40 oz</sup> ~~32~~ ounces or more. Applicant will only sell containers of less than <sup>40 oz</sup> ~~32~~ ounces with a sandwich, or equivalent food sale.
2. Applicant will prohibit and prevent loitering and panhandling within 100 feet of the establishment by:
  - a. ~~posting a "No Loitering/No Panhandling" sign on the outside of the establishment;~~ *on / ch*
  - b. ~~posting a sign inside the establishment requesting customers not to contribute to panhandlers;~~ *on / ch*
  - c. ~~asking loiterers to move on whenever they are observed outside the establishment;~~ *on / ch*
  - d. ~~calling the MPD to remove the loiterers if they refuse Applicant's request to move on;~~ *on / ch*
  - e. ~~keeping a written record of dates and times when the MPD is called for assistance, and~~ *on / ch*
  - f. ~~not installing an outdoor payphone outside the establishment, and by opposing the efforts any other party to install an outdoor payphone on or adjacent to the establishment.~~ *on / ch*
3. Applicant will maintain the public space adjacent to the establishment in a clean and litter-free condition by:
  - a. picking up trash, including beverage bottles and cans, on a daily basis.
  - b. sweeping the outside of the establishment on a daily basis.
4. Applicant will participate in an ABC Board-approved course in alcoholic beverage sales management.
5. ~~Applicant agrees to participate in a program with other merchants that will maintain and pay for a "guard-intervenor." The "GI" will patrol the 200 and 300 blocks of Pennsylvania Avenue to minimize panhandling and loitering. The "GI" will work between dusk and 11:00 p.m. daily, or other mutually agreed upon hours. Applicant will pay his reasonable and fair share of the costs of this program.~~
6. In consideration of, and reliance upon, the commitments reflected in paragraph 1-5, the ANC hereby withdraws its opposition to the applicant's pending license application.

7. The parties further agree that any failure of Applicant to adhere to the foregoing commitment would constitute grounds for the ANC to petition the ABC Board for issuance of an order to show cause pursuant to 23 D.C.M.R. 1513.5.

IN WITNESS WHEREOF, the parties have affixed hereto their hands and seals.

APPLICANT:

ANC 6B:

By: Chang Hyun Ood

By: Peter J. Waldron  
Peter J. Waldron

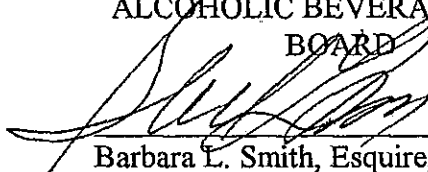
The official records of the Board reflect that the parties have now reached an Agreement which has been reduced to writing, and has been properly executed and filed with the Board. Pursuant to the Agreement dated August 25, 1997, the protestant has agreed to withdraw the opposition, provided however, the Board's approval of the pending application is conditioned.


**Gandel's Liquors, Inc.  
t/a Gandel's Liquors  
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Accordingly, it is this 6 day of May 1998, **ORDERED**  
that:

1. The protest of Thomas Wells, Chair, on behalf of the Advisory Neighborhood Commission 6B, be, and the same hereby, is **WITHDRAWN**;
2. The above-referenced Agreement between the parties, be, and the same hereby, is **INCORPORATED** as part of this Order;
3. The application of Gandel's Liquors, Inc. t/a Gandel's Liquors for a retailer's license class A - renewal at premises 211-213 Pennsylvania Avenue, S.E., be, and the same hereby, is **GRANTED**; and,
4. Copies of this Order shall be sent to the Protestant and the Applicant.

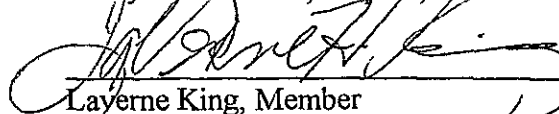
**DISTRICT OF COLUMBIA  
ALCOHOLIC BEVERAGE CONTROL  
BOARD**


  
Barbara L. Smith, Esquire, Chair

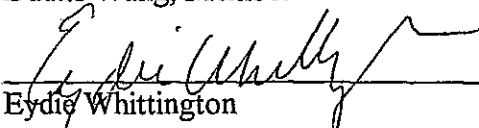
  
Dennis Bass, Member

  
Allen Beach, Member

Mary Eya Candon, Esquire, Member

  
Laverne King, Member

  
Duane Wang, Member

  
Eydie Whittington